

## REMARKS

Claim 23 has been added. Claims 1-23 remain pending in the application. Applicant respectfully requests that the addition above be entered.

### Claim Rejections under 35 U.S.C § 103

Claims 1-6, 9-15, 19 were rejected under 35 U.S.C. § 103(a) as being obvious over Srivastava (6,549,922) in view of APA (Admitted Prior Art). Applicant respectfully disagrees with this rejection. The claims as filed include limitations neither disclosed nor suggested by the cited prior art. Therefore this rejection is improper under 35 U.S.C. § 103(a) in that an obviousness rejection requires that the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious.

Claim 1 teaches a control device for transmitting and receiving controlled variables data to and from a system. Examiner identifies Srivastava's sample extractor as encompassing this element. However, the sample extractor generates additional information from the content of a media file (col. 2, ll. 48). It does not transmit and receive controlled variables data. Furthermore, Srivastava does not teach controlled variables data. Claim 1 also teaches an information preparation device for exchanging data with the control device. Examiner identifies Srivastava's transformer module as encompassing this element. However, the transformer module combines information and metadata that it receives and provides the result to a formatter (col. 2, ll. 50-56). It does not return anything to the sample extractor (col. 2, ll. 55-56; Figure 1, numeral 116). An exchange is defined as "to give in return for something received" (American Heritage Dictionary, 2000). The transformer module therefore does not exchange data with the sample extractor and therefore cannot encompass the information preparation device.

Because Srivastava is missing a control device, controlled variables, and an information preparation device as taught by the present invention, and because the

object of Srivastava is wholly different from the present invention, it does not render the present invention obvious.

Method Claim 10 should also be allowable based on the reasoning above. The Examiner also rejected dependent claims 2-6, 9, 11-15, and 19. Because each of these claims depends, either directly or indirectly, on an otherwise allowable base claim, these claims should be allowable at least to the extent of the respective independent claims. Applicant, thus, defers any argument with respect to these claims at this point.

#### Priority

The Examiner states that the claim for foreign priority under 35 USC 119(a)-(d) is acknowledged but that none of the certified copies of priority documents have been received by the USPTO. Attached please find a copy of the Submission of Priority Documents dated March 19, 2002 along with a copy of the stamped postcard showing receipt by the USPTO on March 19, 2002.

#### Change of Correspondence Address

Also attached please find a copy of the Change of Correspondence Address filed with the USPTO on January 28, 2004 along with a copy of the return postcard showing receipt by the USPTO on January 28, 2004.


#### SUMMARY

In light of the above remarks and amendments, reconsideration and withdrawal of the outstanding rejection is respectfully requested. It is further submitted that the application is now in condition for allowance and early notice of the same is earnestly solicited. Should the Examiner have any questions, comments or suggestions in furtherance of the prosecution of this application, the Examiner is invited to contact the agent of record by telephone or facsimile.

Applicants do not believe that any other fees are due at this time; however, should any fees under 37 C.F.R. §§ 1.16 to 1.21 be required for any reason relating to this document, the Commissioner is authorized to deduct the fees from Deposit Account No. 02-0383, (*formerly Baker & Botts, L.L.P.*) Order Number 071308.0256

BAKER BOTTS, L.L.P.

Date: October 12, 2004

By:   
\_\_\_\_\_  
Andreas H. Grubert  
(Limited recognition 37 C.F.R. §10.9)  
One Shell Plaza  
910 Louisiana Street  
Houston, Texas 77002-4995  
Telephone: 713.229.1964  
Facsimile: 713.229.7764  
AGENT FOR APPLICANTS